

REMARKS

In response to the Office Action mailed December 12, 2007, Applicants amended claims 74, 80, 84, and 89, cancelled claims 76 and 86, and added new claims 140-143. Claims 75, 85, 92-129, and 134-139 were previously cancelled. Thus, claims 74, 77-84, 87-91, 130-133, and 140-143 are presented for examination.

35 U.S.C. § 102(b) Rejections

The Examiner rejected claims 74, 76-78, and 80-82 under 35 U.S.C. § 102(b) as being anticipated by Pinchuk et al., U.S. Pat. No. 6,110,142 ("Pinchuk"). But Pinchuk does not disclose a component of a catheter shaft that includes a region including a polyamide having a tensile strength of at least about 21,000 psi, where the region of the component is tube-shaped and has a wall thickness of about 0.001 inch to about 0.04 inch, as required by claims 74 and 76-78, or a tube-shaped portion of a catheter shaft that includes a region including a polyamide having a tensile strength of at least about 21,000 psi, where the region has a wall thickness of about 0.001 inch to about 0.04 inch, as required by claims 80-82.

Pinchuk discloses a balloon catheter that, in some cases, has a nylon or polyamide balloon. See, e.g., Pinchuk, col. 4, lines 33-39. According to Pinchuk, the nylon or polyamide of the balloon has a calculated tensile strength of between about 15,000 and 35,000 psi. See, e.g., id., col. 11, lines 17-21. While Pinchuk discloses a balloon having a polyamide with a calculated tensile strength falling within the range noted above, Pinchuk does not disclose a component or tube-shaped portion of a catheter shaft having a polyamide with Applicants' claimed tensile strength. Moreover, the nylon or polyamide balloons described by Pinchuk have wall thicknesses that are substantially less than the wall thickness of about 0.001 inch to about 0.04 inch recited in Applicants' claims. See, e.g., id., col. 11, lines 60-63. Thus, even if the Examiner were to consider Pinchuk's balloon to be part of his catheter shaft, which Applicants submit would be a mischaracterization of Pinchuk's device, Pinchuk's device would still not disclose each and every feature of Applicants' claims. In addition, a person of ordinary skill in the art would not have modified a catheter shaft in view of Pinchuk's teachings related to his

relatively thin-walled balloons because balloons and catheter shafts are used for different purposes.

In view of the foregoing, Applicants request reconsideration and withdrawal of the rejection of claims 74, 76-78, and 80-82 under 35 U.S.C. §102(b) as being anticipated by Pinchuk.

The Examiner rejected claims 84, 86, 88, 89, and 91 under 35 U.S.C. §102(b) as being anticipated by Burgmeier, U.S. Pat. No. 6,200,290 (“Burgmeier”). But Burgmeier does not disclose a component of a catheter shaft that includes a region including a polyamide having a hoop stress of at least about 3300 psi, where the region of the component is tube-shaped and has a wall thickness of about 0.001 inch to about 0.04 inch, as required by claims 84, 86, and 88, or a tube-shaped portion of a catheter shaft that includes a region including a polyamide having a hoop stress of at least about 3300 psi, where the region has a wall thickness of about 0.001 inch to about 0.04 inch, as required by claims 89 and 91.

Burgmeier discloses a balloon catheter that has a polyamide balloon. See, e.g., Burgmeier, col. 3, lines 17-40. An embodiment of Burgmeier’s polyamide balloon is reported to have a hoop stress of 24,112 psi. See, e.g., id., cols. 5 and 6, Table 1. While Burgmeier discloses a balloon having a polyamide with the hoop stress noted above, Burgmeier does not disclose a component or tube-shaped portion of a catheter shaft having a polyamide with Applicants’ claimed tensile strength. Moreover, the polyamide balloons described by Burgmeier have wall thicknesses that are substantially less than the wall thickness of about 0.001 inch to about 0.04 inch recited in Applicants’ claims. See, e.g., id. Thus, even if the Examiner were to consider Burgmeier’s balloon to be part of his catheter shaft, which Applicants submit would be a mischaracterization of Burgmeier’s device, Burgmeier’s device would still not disclose each and every feature of Applicants’ claims. In addition, a person of ordinary skill in the art would not have modified a catheter shaft in view of Burgmeier’s teachings related to his relatively thin-walled balloons because balloons and catheter shafts are used for different purposes.

In view of the foregoing, Applicants therefore request reconsideration and withdrawal of the rejection of claims 84, 86, 88, 89, and 91 under 35 U.S.C. §102(b) as being anticipated by Burgmeier.

35 U.S.C. §103(a) Rejection

The Examiner rejected claims 79 and 83 under 35 U.S.C. §103(a) as being unpatentable over Pinchuk in view of Burgmeier. However, Burgmeier fails to cure the deficiencies of Pinchuk discussed above. Thus, for at least the reasons discussed above with regard to independent claims 74 and 80, respectively, Applicants request reconsideration and withdrawal of the rejection of claims 79 and 83 under 35 U.S.C. §103(a).

The Examiner rejected claims 87 and 90 under 35 U.S.C. §103(a) as being unpatentable over Burgmeier in view of Pinchuk. However, Pinchuk fails to cure the deficiencies of Burgmeier discussed above. Thus, for at least the reasons discussed above with regard to independent claims 84 and 89, respectively, Applicants request reconsideration and withdrawal of the rejection of claims 87 and 90 under 35 U.S.C. §103(a).

The Examiner rejected claims 130 and 131 under 35 U.S.C. §103(a) as being unpatentable over Pinchuk in view of Wang et al., U.S. Patent No. 6,124,007 (“Wang”). However, Wang fails to cure the deficiencies of Pinchuk discussed above. Thus, for at least the reasons discussed above with regard to independent claims 74 and 80, respectively, Applicants request reconsideration and withdrawal of the rejection of claims 130 and 131 under 35 U.S.C. §103(a).

Conclusion

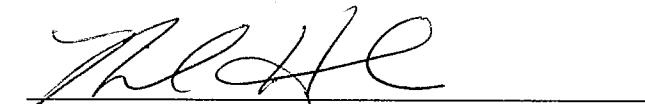
Applicants believe the application is in condition for allowance, which action is requested.

Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 10527-477001.

Applicant : Victor Schoenle et al.
Serial No. : 10/669,059
Filed : September 23, 2003
Page : 10 of 10

Attorney's Docket No.: 10527-477001 / 01-149

Respectfully submitted,



Michael R. Hamlin
Reg. No. 54,149

Date: March 11, 2008
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21854053.doc